Supreme Court, U.S.
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No. 99-13

In the
Supreme Court of the United States

George Greeley, Kim Elizabeth,
George Nicholas, Nyssa Gale: Bryant
Petitioners

v.

Waltham School Committee,
Associate Justice Margaret S. Fearey,
Respondents

On petition for a Writ of Certiorari to
Massachusetts Supreme Judicial Court,

Reply to Opposition to Petition for Writ of Certiorari

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Kim Elizabeth: Bryant,

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13pp

Structure of this Reply

This Reply to Opposition to Petition for Writ of Certiorari is divided into two parts. Part I contains the reply to the Brief in Opposition to Petition for Writ of Certiorari ("*Opposition*") submitted by the Attorneys for Respondent Waltham School Committee. Part I is divided into sections that mirror those sections contained in the Opposition. Part II contains the reply to the opposition in contradiction to the Waiver submitted by Amy Spector, Assistant Attorney General.

Table of Contents

Structure of this Reply i
Table of Contents iii
Table of Cited Authorities iv
Part I. Reply to Brief in Opposition to Petition for Writ of Certiorari Submitted by Attorneys for Respondent Waltham School Committee 1
1.1 Reply to Oppositions Questions Presented for Review 1
1.2 Reply to Opposition's Statement of the Case 2
1.3 Reply to Opposition's Reasons Writ Should Be Denied 4
A. Challenge to Petitioners Question 1(a) 4
B. Challenge to Petitioners Question 1(e) 5
C. Challenge to Petition's Supreme Court Jurisdiction. 5
D. Oppositions to Waltham's Claim of Authority in Oversight of the Bryant Family and as Guardians of the Children 7
E. Opposition's Claim that Petitioner failed to Demonstate [sic] that a substantial federal question has been raised or decided below regarding the Application of the Referenced Alaska Statute. 7
Part II. Reply to Opposition submitted by Amy Spector, Assistant Attorney General 8
Conclusion 9

Table of Cited Authorities

Constitutional Provisions

Massachusetts Constitution, Part I, Article I 8
Massachusetts Constitution, Part I, Article XII 5
Massachusetts Constitution, Part I, Article XVIII 3
united States Constitution, Article IV, section 4 7
united States Constitution, Ninth Amendment 6
united States Constitution, Tenth Amendment 7

Statutes

Massachusetts G.L. ch 119 section 24 3
Massachusetts G.L. Chapter 76 section 1 7

Cases

Care and Protection of Charles , 399 Mass 324, 504 N.E. 2d, 592 (1987) 2

Part I. Reply to Brief in Opposition to Petition for Writ of Certiorari Submitted by Attorneys for Respondent Waltham School Committee

1.1 Reply to Oppositions Questions Presented for Review

The Attorneys for the Respondent Waltham School Committee ("Waltham") present two new questions for review by this court in addition/opposition to the two questions presented by the Bryant Family. In their first question Waltham asserts that the Massachusetts Supreme Judicial Court:

> "... affirmed the homeschool approval process required by the Respondent School Committee as being reasonably related to the state's legitimate interest in ensuring that all its citizens are educated."

No such affirmation is stated within the decisions of the Massachusetts Supreme Judicial Court. See Petition for Writ of Certiorari, ("*Petition*") Appendix A and B. The false assertion of a "state interest" has already been addressed by the Bryant Family within their *Petition* and so will not be discussed further here.

Additionally, Waltham asserts that "the decisions are not in conflict with decisions of the United States Supreme Court or decisions of the First Circuit Court of Appeals or other decisions of the Supreme Judicial Court of Massachusetts". This statement is contradicted by the opinion of Associate Justice Fearey who found that "under any fair reading of the case law interpreting the statute there is clearly insufficient

evidence to make a finding of current parental unfitness". Yet, in conflict with her list of numerous decisions of the Massachusetts Supreme Judicial Court and United States courts she found the children in need of care and protection. See Petition for Writ of Certiorari, ("*Petition*") Appendix C, at page 39-40. While the Bryant Family could list other numerous opinions that this decision is in conflict with, including *Care and Protection of Charles* , 399 Mass 324, 504 N.E. 2d, 592 (1987) itself, what is more important is that this decision and the proceedings before the Massachusetts Courts have been arbitrary, vague. And that they circumvent due process, and are repugnant to the Law found in the Constitution of the Commonwealth of Massachusetts, and the Constitution of the united states of America.

The second question raised by Waltham, whether"...the statute of another state should be applied as a less restrictive measure within the Commonwealth of Massachusetts" is a matter of the Waltham making a claim that the Court erred in permitting the admission of the Statute of the state of Alaska into evidence as a least restrictive measure. Thus it is not an opposition, but a cross-petition contrary to the title of the document. This issue was not raised by Waltham during appeal, is not properly before the Court.

1.2 Reply to Opposition's Statement of the Case

In accordance with Rule 15.2. The Bryant Family addresses the following further misstatements of fact and law contained within the text of the Opposition.

1. The Bryant Family identifies the erroneous

statement "...was informed by an elementary school principal that the children were not enrolled in school." is not in evidence. *Petition* p. 3

2. The Bryant Family has a duty to support their compact with the whole of the People. In furtherance of this they have a duty and a constitutional right per Massachusetts Constitution, Part the First, Article XVIII to refuse to provide information to persons claiming authority until proof of such authority is provided in the form of law; proof never proffered by Waltham. Waltham has erroneously, misstated this exercise of duty and constitutional right as denial of legitimate authority which it is not. Waltham alleges that this exercise of a constitutional right is a violation of law. For this to be the case, the inevitable conclusion is that Massachusetts G.L. ch 119 section 24 is unconstitutional.[1]
3. The attorney for the Parents did in fact submit a notice of appeal against the Father and Mother's wishes. This Notice was redundant with the Petition to Vacate submitted by the Parents on August 14th 1998 as the Petition to Vacate is treated as a notice of appeal in Massachusetts.
4. The Statement that "The parents appealed the October 7, 1998 order to the Massachusetts Appeals Court, which was denied by a Single Justice on January 20, 1999." is false as evidenced by the sentence submitted by Waltham following it.
5. Waltham misstates that "The Care and Protection matter is still pending in the district court before Judge Garinger pending receipt from the parents of

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[1] Waltham has listed the date of the statute to be 1999. The Bryant Family may not be charged with a violation of law before that law existed. As the Care and Protection petition was brought in 1997 this date must be false.

progress reports for each child for the school year ending June 30, 1999 and for the submission of home school plans for the 1999-2000 school year...". This false statement and alleged order is contradicted by the Brief in Opposition to Petition for Writ of Certiorari ("*Opposition*") p. 2, See *Petition*, page 46. No order of the court requires the parents to do this.

1.3 Reply to Opposition's Reasons Writ Should Be Denied

A. Challenge to Petitioners Question 1(a)

Contrary to stated claim of Waltham that this question was not raised during trial, the Attorney for the Father and Mother made clear in his arguments:

> "These parents believe that they're responsible before God to direct, nurture, and care for these children, all of their needs, not just their physical needs, but their educational needs as well." (Trial transcripts, Day III, page 75-76)

This is supported by documents submitted by the Parents and entered as evidence within the record by Waltham. The Petition to Vacate submitted by the Parents clearly states the issue of free exercise of religion *Petition* p. 77 this document was incorporated in the petition for judicial review brought before the Massachusetts Supreme Judicial Court and its appeal.

Waltham also alleges that the parents' reasons are philosophical rather than religious. This allegation is not properly before the court, per rule 15.2 as it does not address the jurisdiction of the court to hear this question. Was the Oath taken before God to support the constitution by the Attorney's for the Respondent

Waltham School Committee and each member of the Waltham School Committee only philosophical? The Constitution was not created and does not exist in a vacuum but implored the direction of the Creator of the Universe in so interesting a Design. Furthermore as philosophy is based on reason and religion based on faith the two are inseparable in our law. To support the Constitution is to support His law and His goodness in affording us the opportunity to create such a government. It is profoundly religious.

B. Challenge to Petitioners Question 1(e)

The Bryant Family notes that Waltham agrees with the point of fact and law that Article XII provides for council and that the Bryant Family's council was consistently excluded. The issue that "The entire care and protection proceeding was not based on law, and was conducted in a manner repugnant to justice," was properly raised in the Father and Mother's document Emergency Amended Petition for Judicial Review Pursuant to G.L. c. 211 s. 3 brought before the Massachusetts Supreme Judicial Court. Inherent to this was the noted denial of the provisions of the Massachusetts Constitution, Part the First, Article XII.

C. Challenge to Petition's Supreme Court Jurisdiction.

The Bryant Family has listed numerous laws they allege the Waltham School Committee, its representatives, and the Respondent Courts by their actions have violated. Waltham has not presented a single constitutional provision or statute that supports the Respondent's actions. Although numerous opinions are listed, the Constitution of the Commonwealth of Massachusetts clearly states that

Inhabitants are not controulable by opinion, only law *Petition* p. 54. As no law has been presented in evidence, the logical conclusion is that it does not exist. In stating "The family is not beyond regulation." Waltham asks the Bryant Family to prove a negative, rather than proving the positive and providing the regulation Waltham purports to be enforcing.

The Bryant Family is unaware of any action taken that has given Waltham authority over the family. As far as the Bryant Family knows they did not enter into a contract with the Commonwealth by which they would obey the dictates of the school department. The Bryant Family does not receive any compensation to provide education, nor are they receiving any entitlements from the Commonwealth or Waltham. The Father and Mother's authority over the lives of their offspring comes from the Creator. With this authority comes a duty, obligation and responsibility to provide for and protect the children. If the Bryant Family has given the Commonwealth or Waltham the authority over them to approve or disapprove their family life, it is the duty and obligation of those making a claim of authority over the Bryant Family to provide verification of this in the form of law.

Waltham's statement "...there is nothing in neither the record nor the decisions below that support any federal questions presented under said sections." *Opposition*, p 6. In addition to being false and grammatically poor this statement epitomizes the confusion and misconduct of the entire Massachusetts proceedings. Waltham has twisted the clearly stated words of the Bryant Family to be contrary to their meanings. The united states Constitution, Ninth and Tenth Amendments reaffirm the jurisdiction to the Court to

hear this Petition, to enforce Article IV, section 4.

D. Oppositions to Waltham's Claim of Authority in Oversight of the Bryant Family and as Guardians of the Children

The Parents are not charged under Chapter 76 section 1 as this charge was dismissed with prejudice. The failure of the Massachusetts District Court and Waltham to clearly identify the charge is one of the issues raised in this Petition. See *Petition,* page I (question 1c).

Waltham in this section of their *Opposition* makes numerous misleading claims and cites court *opinion* as authorization of its actions and justification for its claim to be exempt from the Declaration of Rights of the Inhabitants contained in the Constitution of the Commonwealth of Massachusetts. Waltham appears to be claiming to be above the Law. The fact that this case is not identical to other decisions was raised in the *Petition*, page 40, 45, 63, 65-66.

E. Opposition's Claim that Petitioner failed to Demonstate [sic] that a substantial federal question has been raised or decided below regarding the Application of the Referenced Alaska Statute.

Waltham claims "Further the lower courts never addressed the issue of the constitutionality or unconstitutionality of said Alaska Statute" *Opposition* p. 8-9. The constitutionality of Alaska Statute 14.30.010 is not in question in any court that the Bryant Family is aware of. However, the Issue of the Constitutionality or unconstitutionality of the acts of Massachusetts is properly before the Court given the questions posed by

the Bryant Family. Is Waltham claiming that to protect the liberty of Families to rear their children absent government intrusion may be unconstitutional? An examination of Article 1 of Part the First of the Massachusetts Constitution shows the absurdity of such a claim. The failure of Massachusetts to support its own constitution places the union at risk, thus making this a substantial federal question. Waltham appears to desire all families to be dependent on government without any personal responsibility. Neither totalitarianism, socialism nor communism is the form of government in these united states.

Part II. Reply to Opposition submitted by Amy Spector, Assistant Attorney General

Ms. Spector has apparently confused this matter with another matter as she indicates in her Waiver that she is Counsel of Record for respondents MARGARET FEAREY and TINA SOARES. The respondents in this matter are not individuals Margaret Fearey and Tina Soares as the cover page of the petition shows. Further her statement that the petitioners are acting pro se is false.

Ms. Spector, while claiming to be a member of the Bar of the Supreme Court of the Unites States, is apparently not well versed in its rules. Rule 15.3 clearly states that "A brief in opposition may not be joined with any other pleading..." Ms. Spector while submitting a Waiver stating that she does not intend to file a response has included her opposition to the Petition for a Writ of Certiorari with no supporting facts, argument or law, within the text of her letter to the Clerk. Therefore this court should not consider her opposition.

The Bryant Family, Inhabitants of the Commonwealth of Massachusetts, is outraged at the incompetence shown by their employee, Amy Spector in her submissions to this Court.

Conclusion

For the reasons stated in their Petition and this Reply, the petition for a writ of certiorari should be granted.

Respectfully submitted this 11th day of August, 1999 for the Bryant Family, by our hands,

George Greeley: Bryant

Kim Elizabeth: Bryant

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